

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DELANDO WILSON AND MICHAEL  
MERCHANT**

**PLAINTIFFS**

**V.**

**NO: 4:22CV64-GHD-DAS**

**THE CITY OF GREENVILLE,  
MISSISSIPPI, TASHA BANKS, JAMES  
WILSON, SR., LURANN THOMAS-  
KINGDOM, LOIS HAWKINS, VERNON  
GREENLEE, AL BROCK, AMELIA  
WICKS, DANNIE GRAISE, MARCUS  
TURNER, AND ERRICK SIMMONS**

**DEFENDANTS**

**ORDER**

Pursuant to an opinion issued this day, it is hereby ORDERED that the Defendants' Motion for Judgment on the Pleadings [53] is GRANTED IN PART and DENIED IN PART as follows:

- (1) Defendants' motion for judgment on the pleadings as to Count 1 – Title VII Hostile Work Environment based on sexual / sexual orientation harassment, is DENIED;
- (2) Defendants' motion for judgment on the pleadings as to Count 2 – Retaliatory Hostile Work environment, is DENIED;
- (3) Defendants' motion for judgment on the pleadings as to Count 3 – Title VII Retaliation, is DENIED;
- (4) Defendants' motion for judgment on the pleadings as to Count 4 – Fourteenth Amendment Due Process Violations, is GRANTED;
- (5) Defendants' motion for judgment on the pleadings as to Count 5 – FMLA Violation, is DENIED;
- (6) Defendants' motion for judgment on the pleadings as to Count 6 – Civil Conspiracy, is DENIED;

(7) Defendants' motion for judgment on the pleadings as to Count 7 – Breach of Contract, is GRANTED;

(8) Defendants' motion for judgment on the pleadings as to Count 8 – Constructive Discharge, is DENIED AS MOOT, as constructive discharge is not a cause of action;

(9) Defendants' motion for judgment on the pleadings as to Count 9 – Tortious Interference with Employment, is GRANTED IN PART and DENIED IN PART as follows:

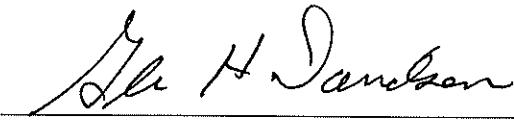
a. Defendants' motion concerning Plaintiff Wilson is GRANTED as to Defendants Graise and Turner and DENIED as to all other individual Defendants listed in count 9 of the complaint, and

b. Defendants' motion concerning Plaintiff Merchant is DENIED as to Defendants Banks, Simmons, Wilson, and Graise and GRANTED as to all other individual defendants.

(10) Defendants' motion for judgment on the pleadings as to Count 10 – Intentional Infliction of Emotional Distress, is GRANTED; and

(11) Defendants' motion for judgment on the pleadings as to Count 11 – Negligent Infliction of Emotional Distress, is GRANTED.

SO ORDERED, this the 24<sup>th</sup> day of October, 2023.



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SENIOR U.S. DISTRICT JUDGE